

Meeting Notes from April 26, 2011
Indiana Coal Mining Projects (Newburgh Corps Office)

Attendees: David Phillips DNR, Bruce Stevens DNR, John Coleman OSM, David Carr IDEM, Mike Litwin USFWS, Ramona Briggeman DNR/DFW, Sam Werner Corps, Melissa Gebien USEPA, Andrea Schaller USEPA

Peabody (Scott McGarvie and Ann Nelson)

Caledonia Mine (west of Dugger, IN between the Farmersburg Mine and Bear Run Mine in Sullivan County)-

- Original 404 issued in 2008
- 1260 acres (805 previously mined)
- Pit would advance from SW and mine the #7 coal
- property was already undergrounded mined
- 2 slurry impoundments. east permit edge with non jurisdictional streams flowing into it (no outlet), second on the north central part of site
- Busseron Crk located just offsite to the NW
- Proposed impacts 28000 lf eph, 24000 lf int, 12 acres PFO, 2.2 acres PSS, 6.5 acres PEM, 2.5 acres PUB (23.2 acres total), 3.7 acres open water.
- non jurisdictional waters 1000 lf eph stream, 2.6 acres wetland, 1.9 acres open water.
- three areas are still bonded from previous mining (company no longer in business), includes 2 slurry pits
- 284.9 acres avoided impacts but will have some sediment basins and diversion ditches
- Avoided water resources 4000 lf eph, 27000 lf int, 2200 lf per, 41 acres of wetland (Peabody uncertain as to whether coal underlies avoided areas)
- no processing plant proposed on site
- will collect baseline from receiving streams, also proposed 13 sampling points. Will conduct ICI and IBI on those sites as well as physical, biological and chemical
- 2.5 million tons of coal est., at 65 foot depth
- expected to submit by June 1st
- Alternatives, will look at making basin HG 32-2 temporary
- life of mine approximately 3 years.
- mine straddles 3 HUCs Buttermilk Crk, Mud Creek Big Branch, and Little Fork Busseron Crk, cumulative impact analysis at HUC 14 will expand to HUC 12s
- Mitigation .5:1 for eph with 25 feet each side of stream, 1:1 int with 50 ft each side of stream, 3:1 PFO, 2:1 PSS/POM/PUB proposed mitigation will all be PFO
- Working with Stantec to produce mini regional curves for their project areas. Focus is on bankfull depth and width.
- Will provide hydrology layer on top of operations map.
- Areas will be deed restricted where possible. Requested Peabody provide land ownership information/map for mitigation areas.
- Peabody expects the 404 permit application will be submitted in approximately one month.

Corning Mine

- amendment to previous Corps permit, have DNR permit
- add 260 acres and revised mitigation on 33 acres of previous permit
- 150 acres was previously mined

- acquired property in late 90's, early 00's.
- Solar Sources' Cannelburg Mine is southwest of permit area
- Glendale Fish & Wildlife area is just South of the permit boundary
- 2006 Corps permit was issued.
- Impact 4600 eph, 1200 int, 2.8 PFO, 0.2 PSS, 1.1 PEM, 13 acre open water
- will mine multiple seams (approx 6 seams)
- Corps considering an NWP 21 (we advised against as it is a single and complete project, and the NWP would expire before mining would be complete)

Gibson County Coal, Gibson South (Robert Ray – Alliance Coal, and Debbie Collinsworth EcoSource)

-Course and fine refuse

- % coarse and fines based on current numbers produced at Gibson North mine
70% coarse, 30% fine
- need 5 yr lead on project, since MSHA approval is 3 yrs, looking at project 15yrs out with permitting time and land acquisition
- 25 yrs life of mine est, mining may be 30 yrs depending on geology and economy
- wanted to site all features at one site to reduce foot print on landscape
- costly to transport refuse to other areas
- company and DNR concerned about loss of prime farm land for slurry disposal
- within shadow area, well head projection area and Wabash R flood plain limit disposal locations (shadow area is 16000 acres)
- current site would have limited residential impacts
- site proposed is central in mine operations
- EPA inquired about underground injection at the Gibson South site and the company stated that it is possible and will be done sometime in the future when it is safe. We asked when that would be and if they had projected the amount of slurry that could be injected. Gibson stated that could not be completed/was not possible at this time. We asked for an estimate based on BPJ.
- EPA inquired about the practicability of underground injection into the closed Wabash Mine and the company stated that they would need the permission of the owner to inject. DNR mentioned that the Wabash Mine permit would have to be modified to allow for injection.
- Corps asked for upland disposal alternatives in non prime farm land with various sizes and locations if necessary as well as costs associated with those
- Statements on improved water quality were based solely on sedimentation during mining without basins
- will provide additional biological sampling point on western tributaries as soon as weather allows

-Mitigation

- issues finding stream mitigation
- EPA asked for details of where and what mitigation options the company has pursued unsuccessfully
- IDEM suggested their website called "mitigation matchmaker"
- Cost of prime farm land is an issue for selling land
- in watershed 78% is cropland, and 91% has hydric soils so wetlands proposed out of kind
- applicant maintains that the wetlands in the watershed should be more valuable
- EPA pointed out streams are difficult to replace and limited high gradient streams in Southern Indiana make the streams on site valuable and that is why more stream is needed in mitigation
- ~68 acres of wetland were proposed to offset 19000 lf of stream (majority of which is intermittent). This wetland is adj to another mitigation tract proposed for Gibson North.

Solar Sources, Cannelburg Mine (Mike Owens Solar Sources and Dave Cernowski consultant)

- EPA enforcement actions completed, Solar Sources submitted an ATF permit application for Cannelburg Mine
- 162,000 lf of stream impacts, 101,000 lf of mitigation is proposed onsite
- proposed a 18 meter stream corridor on each side for each reconstructed stream reach where possible.
- Proposed 40 acre tract on Lewis mine (west of Clay City in Clay and Vigo Counties in the White River watershed) that has hydric soils for stream relocation and wetlands. Net increase for stream would be approx 4200 lf and 40 acres of PFO wetland. The site is adjacent to an area that has already mined by was not disturbed by the operation. Solar Sources stated there is a 1 sq. mi. watershed above the site. The company stated that this mitigation site is expected to compensate for a deficit of 60,000 linear feet of stream that cannot be reconstructed at Cannelburg.
- Corps asked for engineering design and details on stream to ensure it would work to determine amount of credit for wetland
- Corps stated that they would grant some credit for wetland out of kind but would not commit to amount but said it would be little
- part of mine plan overlaps Peabody's Corning Mine (to the South) presented earlier in day. There was a property swap between Black Beauty and Solar Sources in the 90's. Both companies proposed to mitigate differently, Solar sources is straight channels with little sinuosity
- mine leaves 270 acres of open water which company asserts ecological lift from pre mining, along with buffers on 101,000 lf of stream (18 m each side)
- Corps asked for accounting of buffer with on all streams impacted and proposed
- EPA will provide Corps with dates of impact for temporal loss evaluation
- EPA also mentioned that out of kind would need some functional accounting (not necessarily a math mathematical equation but an explanation for the calculation of functions on impacts resources to proposed mitigation)
- Company was resolute that it could not find more mitigation and what was proposed was adequate.
- EPA mentioned this was an ATF permit and the Corps could request higher mitigation ratios than what is standard in permits currently issued.
- EPA reminded them that they impacted waters in 7 HUC 12s and they could use mitigation matchmaker from IDEM, contact local SWCD, and gave suggestions on Aikman Crk.
- company discounted Aikman Crk and other property since the current corn prices were high it was difficult to get farmers to sell land.